

ORIGINAL

**Moultrie County Highway Department
10 S. Main Street, Courthouse
Sullivan, Illinois 61951**

RECEIVED
NOV 29 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Doug DeLong
County Engineer

Telephone (217) 728-4142

November 28, 2006

Michael Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 E Capitol Ave
P.O. Box 19280
Springfield, IL 62701

Subject: ICC Docket No. T03-0048
Union Pacific RR # 167 270M
Sullivan Twp. Vacation on TR 104

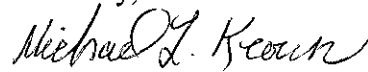
Dear Mr. Stead

Enclosed is a copy of the transcript of the proceedings, for the vacation of the subject crossing of the Union Pacific Railroad on Township Road 104 in Sullivan Township of Moultrie County, as part of what we called the Eden Street Crossing Improvement.

Exhibit A of this packet is a plat showing the vacated area.

Thank you for your help in completing this project. If you have any questions please contact our office.

Sincerely,



Michael L. Keown,
Engineering Technician
Moultrie County Highway Dept.

Cc. Dave Mckernan, Union Pacific Railroad Co.
Elmo Weaver, Sullivan Twp. Road Commissioner

DOCKETED

NOV 30 2006

BB-Jab

STATE OF ILLINOIS
MOULTRIE COUNTY
Filed for Record

Date 10/04/06

Hour 2:03 o'clock P M

Doc. # 280600

Recorded As 06ms-498

of Miscellaneous

Date: 10/04/06

RENTAL HOUSING SUPPORT
PROGRAM SURCHARGE \$10.00

Georgia C. England
RECORDER

TRANSCRIPT OF ROAD VACATION PROCEEDINGS

SULLIVAN TOWNSHIP ROAD DISTRICT

CROSSING 167270M
TR104/975E

RETURN TRANSCRIPT TO:
Robert V. Elder
ELDER AND ELDER
101 West Harrison Street
P. O. Box 345
Sullivan, IL 61951

CERTIFICATE FOR VACATION OF A ROAD

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, hereby certifies that the following described road in said township should be vacated, to-wit:

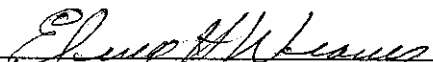
A part of the Northeast Quarter of Section Ten, Township Thirteen North, Range Five East of the Third Principal Meridian, described as follows:

Commencing at the Northwest Corner of the East Half of the Northeast Quarter of said Section Ten, thence South 0 degrees 25 minutes 23 seconds East along the West line of the East Half of the Northeast Quarter of said Section Ten, a distance of 233.40 feet to the point of beginning; thence North 89 degrees 33 minutes 28 seconds East, 8.36 feet to the existing easterly right of way line of a township road; thence South 0 degrees 26 minutes 32 seconds East along said line, 252.14 feet to the existing northerly right of way line of the Union Pacific Railroad; thence South 0 degrees 47 minutes 27 seconds East along said township right of way, 118.12 feet to the existing southerly right of way line of the Union Pacific Railroad; thence South 57 degrees 03 minutes 21 seconds West along said line, 59.06 feet to the existing westerly right of way line of said township road; thence North 0 degrees 47 minutes 27 seconds West along said line, 149.70 feet; thence North 0 degrees 26 minutes 32 seconds West along said line, 252.29 feet; thence North 89 degrees 33 minutes 28 seconds East, 41.64 feet to the point of beginning.

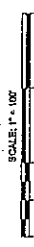
The road proposed to be vacated is part of TR 104/975E and is known as Crossing #167270M.

A copy of the plat of the road proposed to be vacated is attached hereto as Exhibit "A".

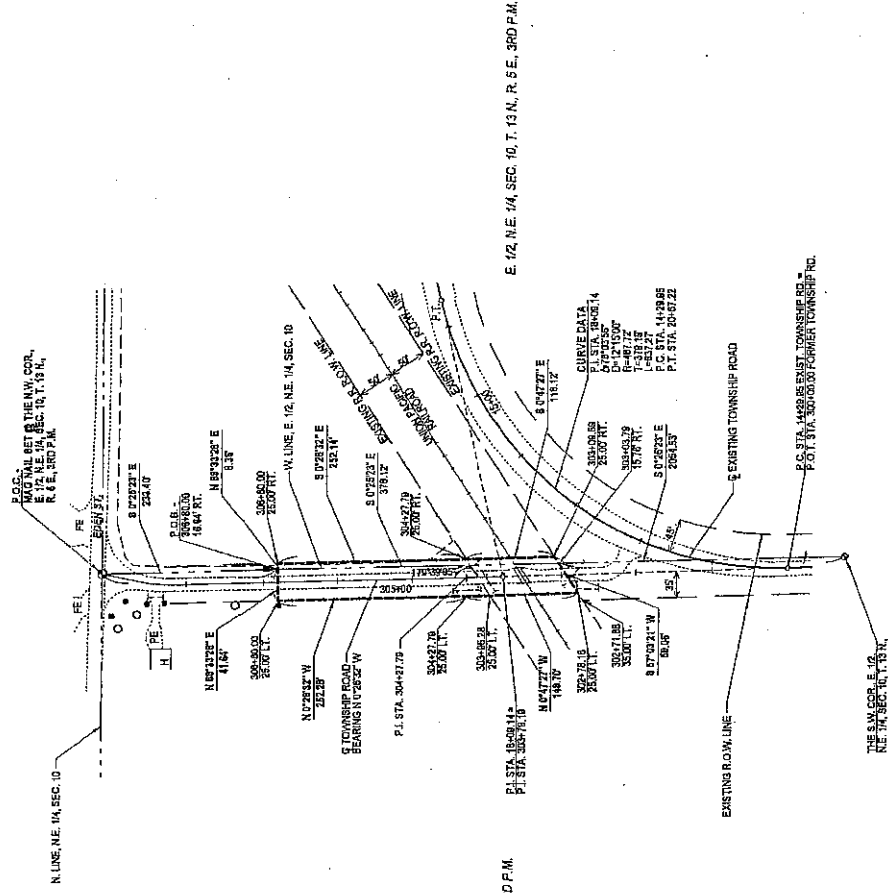
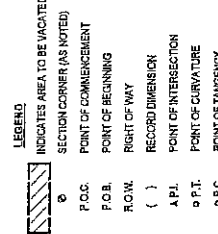
DATED this 31st day of August, 2006.



ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois



BEARINGS ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83.



W. 1/2, NE 1/4, SEC. 10, T. 13 N., R. 5 E., 3RD P.M.

E. 1/2, N.E. 1/4, SEC. 10, T. 13 N., R. 5 E., 3RD P.M.

[illegible]

I DO HEREBY CERTIFY THAT THE FOREGOING VACATION OF RIGHT OF WAY PLAT CORRECTLY REPRESENTS A SURVEY PERFORMED BY ME OR UNDER MY DIRECTION FOR THE MOULTRIE COUNTY HIGHWAY DEPARTMENT ON OCTOBER 3 - NOVEMBER 19, 2012.

André G. Galt 3-3-200

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2817

MICHAEL E. RAPIER SURVEYING, INC. 2220 YALE BOULEVARD SPRINGFIELD, ILLINOIS 62703 217-544-2913 (184-002716)

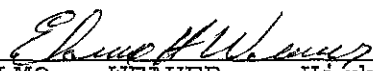
SPRINGFIELD, ILLINOIS 62703 217-544-2913

MICHAEL E. RAPIER SURVEYING, INC. 2220 YALE BOULEVARD

ORDER FOR HEARING

A hearing shall be held on the above Certificate for Vacation of a Road on the 20th day of September, 2006, at 10:00 a.m. at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in Sullivan, Illinois, to examine the route of the road and hear reasons for or against the vacation of the road.

DATED this 31st day of August, 2006.


ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District
of Moultrie County,
Illinois

FILED this 31st day of August, 2006.

Gary W. Bruce

GARY BRUCE, Clerk of Sullivan
Township Road District of
Moultrie County, Illinois

**NOTICE OF HEARING ON
CERTIFICATE BY HIGHWAY
COMMISSIONER FOR
VACATION OF ROAD**

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 20th day of September, 2006, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Northeast Quarter of Section Ten, Township Thirteen North, Range Five East of the Third Principal Meridian, described as follows:

Commencing at the Northwest Corner of the East Half of the Northeast Quarter of said Section Ten, thence South 0 degrees 25 minutes 23 seconds East along the West line of the East half of the Northeast Quarter of said Section Ten, a distance of 233.40 feet to the point of beginning; thence North 89 degrees 33 minutes 28 seconds East, 8.36 feet to the existing easterly right of way line of a township road; thence South 0 degrees 26 minutes 32 seconds East along said line, 252.14 feet to the existing northerly right of way line of the Union Pacific Railroad; thence South 0 degrees 47 minutes 27 seconds East along said township right of way, 118.12 feet to the existing southerly right of way line of the Union Pacific Railroad; thence South 57 degrees 03 minutes 21 seconds West along said line, 59.06 feet to the existing westerly right of way line of said township road; thence North 0 degrees 47 minutes 27 seconds West along said line, 149.70 feet; thence North 0 degrees 26 minutes 32 seconds West along said line, 252.29 feet; thence North 89 degrees 33 minutes 28 seconds East, 41.64 feet to the point of beginning.

The road proposed to be vacated is a part of TR 104/975E and is known as Crossing #16727OM.

Publisher's Certificate

State of Illinois
Moultrie County

I, Marion E. Best, do hereby certify that I am the Publisher of the NEWS•PROGRESS, a secular newspaper of general circulation published in the City of Sullivan, County of Moultrie, Illinois. The NEWS•PROGRESS is a newspaper as defined in "An Act to revise the law in relation to notices" eff. July 1, 1874 as amended. (Illinois Revised Statutes, Chap. 100, Section 1 through 5). Currently, 715 ILCS Act 10 "Newspaper Legal Notices Act."

The notice hereto annexed, relating to the matter of

Notice of Hearing

Vacation of Road

has been published in the total circulation of the NEWS•PROGRESS for

one weeks successively, beginning September 06, 2006

and ending September 06, 2006

which are the dates of the first and last issues containing the notice.

Dated: September 06, 2006

Marion E. Best

Publisher

The "NEWS•PROGRESS" is published by Best Newspapers in Illinois, Inc.,
100 West Monroe Street, Sullivan, Illinois 61951. PH 217/728-7381

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 5th day of
September, 2006.

s/Elmo Weaver
ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois
PUBLISHED 09/06/2006

AFFIDAVIT OF MAILING

The undersigned on oath states that on behalf of ELMO WEAVER, Highway Commissioner of Sullivan Township Road District, a copy of the attached Notice of Hearing on Certificate by Highway Commissioner for Vacation of Road was served on:

Denise J. Piatt
R. R. #3, Box 141
Sullivan, IL 61951

Terry P. Warren
R. R. #3, Box 377
Sullivan, IL 61951

Sharon S. Warren
R. R. #3, Box 377
Sullivan, IL 61951

Derick D. Warren
R. R. #2, Box 42B
Sullivan, IL 61951

Union Pacific Railroad
100 North Broadway
Suite 1500
St. Louis, MO 63102
ATTN: David McKernan

Doug DeLong
Moultrie County
Supervisor of Highways
Moultrie County Courthouse
10 South Main Street
Sullivan, IL 61951

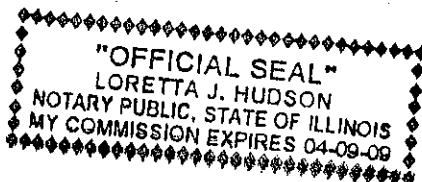
City of Sullivan
2 West Harrison Street
Sullivan, IL 61951

by mailing a copy of same to them at the addresses shown above with postage fully prepaid and by depositing same in a U.S. Post Office Box in Sullivan, Illinois, this 5th day of September, 2006.


Robert V. Elder

Subscribed and Sworn to before me this 5th day of September, 2006.


Notary Public



NOTICE OF HEARING ON CERTIFICATE BY
HIGHWAY COMMISSIONER FOR VACATION OF ROAD

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 20th day of September, 2006, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Northeast Quarter of Section Ten, Township Thirteen North, Range Five East of the Third Principal Meridian, described as follows:

Commencing at the Northwest Corner of the East Half of the Northeast Quarter of said Section Ten, thence South 0 degrees 25 minutes 23 seconds East along the West line of the East Half of the Northeast Quarter of said Section Ten, a distance of 233.40 feet to the point of beginning; thence North 89 degrees 33 minutes 28 seconds East, 8.36 feet to the existing easterly right of way line of a township road; thence South 0 degrees 26 minutes 32 seconds East along said line, 252.14 feet to the existing northerly right of way line of the Union Pacific Railroad; thence South 0 degrees 47 minutes 27 seconds East along said township right of way, 118.12 feet to the existing southerly right of way line of the Union Pacific Railroad; thence South 57 degrees 03 minutes 21 seconds West along said line, 59.06 feet to the existing westerly right of way line of said township road; thence North 0 degrees 47 minutes 27 seconds West along said line, 149.70 feet; thence North 0 degrees 26 minutes 32 seconds West along said line, 252.29 feet; thence North 89 degrees 33 minutes 28 seconds East, 41.64 feet to the point of beginning.

The road proposed to be vacated is a part of TR 104/975E and is known as Crossing #167270M.

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 5th day of September, 2006.

Elmo Weaver
ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois

MEMORANDUM OF DECISION

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, having conducted a hearing on a Certificate for Vacation of a Road for the Vacation of part of TR 104/975E known as Crossing #167270M described as:

A part of the Northeast Quarter of Section Ten, Township Thirteen North, Range Five East of the Third Principal Meridian, described as follows:

Commencing at the Northwest Corner of the East Half of the Northeast Quarter of said Section Ten, thence South 0 degrees 25 minutes 23 seconds East along the West line of the East Half of the Northeast Quarter of said Section Ten, a distance of 233.40 feet to the point of beginning; thence North 89 degrees 33 minutes 28 seconds East, 8.36 feet to the existing easterly right of way line of a township road; thence South 0 degrees 26 minutes 32 seconds East along said line, 252.14 feet to the existing northerly right of way line of the Union Pacific Railroad; thence South 0 degrees 47 minutes 27 seconds East along said township right of way, 118.12 feet to the existing southerly right of way line of the Union Pacific Railroad; thence South 57 degrees 03 minutes 21 seconds West along said line, 59.06 feet to the existing westerly right of way line of said township road; thence North 0 degrees 47 minutes 27 seconds West along said line, 149.70 feet; thence North 0 degrees 26 minutes 32 seconds West along said line, 252.29 feet; thence North 89 degrees 33 minutes 28 seconds East, 41.64 feet to the point of beginning.

does hereby find:

1. That Notice of this hearing has been given in writing at least 10 days prior to the hearing:
 - A. To the Moultrie County Superintendent of Highways;
 - B. By publication in a newspaper published in the Township as shown by a copy of the Certificate of Publication annexed hereto;

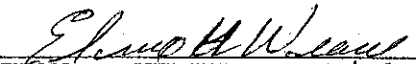
- C. To all person owning property located within 200 feet of the Road proposed to be vacated by mail as set forth in the Affidavit of Mailing annexed hereto.
- D. To the City of Sullivan, Illinois.
- E. To Union Pacific Railroad.
2. That the vacation of the Road is in the public and economic interest.
 3. That any person residing or owning land within 2 miles of any portion of the Road proposed to be vacated shall have reasonable access by way of a motor vehicle or other portable farm machinery commonly used in the area to farmland such person owns or operates and to community trade centers after the Road is vacated.
 4. That no damages will result from the vacation of the Road.
 5. That a survey of the Road has been made and a Plat of the Road as attached to the Certificate for Vacation of a Road.
 6. That there are no objectors to the vacation of the Road.
 7. That the names of all persons present at the hearing are:

Elmo Weaver,
Robert V. Elder
Michael L. Keown
 8. That the Road proposed to be vacated should be vacated.
 9. That based on the above findings this hearing shall also be a final hearing on the Certificate for Vacation.
 10. That the vacation should be effective immediately.


IT IS THEREFORE ORDERED that the Road described in the Certificate for Vacation of a Public Road filed herein for the vacation of the Road described above in this Memorandum

of Decision be and the same is hereby vacated effective immediately.


DATED this 20th day of September, 2006.


ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District
of Moultrie County,
Illinois

FILED this 20th day of September, 2006.


GARY BRUCE, Clerk of
Sullivan Township Road
District of Moultrie
County, Illinois

Received a copy of the above and foregoing Memorandum
of Decision the 20th day of September, 2006.


DOUG DELONG, Moultrie
County Superintendent of
Highways

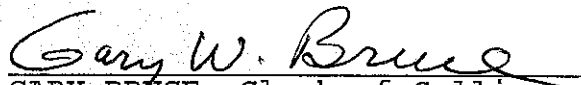
CERTIFICATE

GARY BRUCE, Clerk of Sullivan Township Road District in Moultrie County, Illinois, does hereby certify the above and foregoing to be a true and correct copy of a transcript of the proceedings for the vacation of part of road TR 104/975E known as Crossing #167270M in Sullivan Township Road District including the following:

Certificate for Vacation of Road
Order for Hearing
Publisher's Certificate of Publication of Notice of Hearing
Affidavit of Mailing Notice of Hearing
Memorandum of Decision Ordering Vacation of Road

as the same appear of record and on file in my office.

IN WITNESS WHEREOF I have set my hand this 25th day of September, 2006.


GARY BRUCE, Clerk of Sullivan
Township Road District in
Moultrie County, Illinois